

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAURICE TAYLOR,	:	PHILADELPHIA COUNTY COURT OF COMMON PLEAS
Plaintiff,	:	JANUARY TERM 2023
v.	:	No. 230100333
CITY OF PHILADELPHIA d/b/a CURRAN-FROMHOLD CORRECTIONAL FACILITY, <i>et al.</i>	:	
Defendants.	:	
	:	

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

Pursuant to 28 U.S.C. § 1441, defendants, City of Philadelphia, Blanche Carney, Pierre Lacombe, Terrence Clark, Karen Butler, and Robert Rose, (hereinafter “petitioners”), through its counsel, Jonah Santiago-Pagán, Assistant City Solicitor, respectfully petitions for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendant state the following:

1. On January 4, 2023, the plaintiff initiated this action by Writ of Summons in the Court of Common Pleas in Philadelphia, January Term, 2023; No. 230100333. (Exhibit “A.”)
2. On January 18, 2023, the plaintiff reissued the Writ of Summons in the Court of Common Pleas in Philadelphia, January Term, 2023; No. 230100333. (Exhibit “A.”)
3. On January 26, 2023, the plaintiff filed the Complaint in this action. (Exhibit “B.”)
4. In Counts I and III of the Complaint, the plaintiff seeks relief against the petitioners pursuant to 42 U.S.C. § 1983 for alleged deprivations of his rights protected by the Constitution of the United States. (Id.)
5. 28 U.S.C. § 1331 states that “[t]he district courts shall have original jurisdiction of

all civil actions arising under the Constitution, laws, or treaties of the United States.”

6. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over the claims alleged by Plaintiff, pursuant to 28 U.S.C. § 1331.

7. True and correct copies of this Notice of Removal with accompanying exhibits and separate Notice to State Court of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit “C,” will be served upon the plaintiff and filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, in accordance with the provisions of 28 U.S.C. § 1446(d).

8. In filing this Notice of Removal, the petitioners do not waive any available defenses in this action.

WHEREFORE, petitioners, City of Philadelphia, Blanche Carney, Pierre Lacombe, Terrence Clark, Karen Butler, and Robert Rose, respectfully requests that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Anne B. Taylor
Chief Deputy City Solicitor

BY:

/s/ Jonah Santiago-Pagán
Jonah Santiago-Pagán, Esq.
Assistant City Solicitor
Pa. Attorney ID No. 326442
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5428 (phone)
jonah.santiago-pagan@phila.gov

Date: February 28, 2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAURICE TAYLOR,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
	:	JANUARY TERM 2023
v.	:	No. 230100333
	:	
CITY OF PHILADELPHIA d/b/a	:	
CURRAN-FROMHOLD	:	
CORRECTIONAL FACILITY, <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

NOTICE OF FILING OF REMOVAL

TO: Gary Schafkopf, Esquire
SCHAFKOPF LAW, LLC
11 Bala Avenue
Bala Cynwyd, PA 19004

PLEASE TAKE NOTICE THAT on February 28, 2023 the defendants, City of Philadelphia, Blanche Carney, Pierre Lacombe, Terrence Clark, Karen Butler, and Robert Rose, filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).

/s/ Jonah Santiago-Pagán

Jonah Santiago-Pagán, Esq.
Assistant City Solicitor
Pa. Attorney ID No. 326442
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5428 (phone)
jonah.santiago-pagan@phila.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAURICE TAYLOR,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
	:	JANUARY TERM 2023
v.	:	No. 230100333
	:	
CITY OF PHILADELPHIA d/b/a	:	
CURRAN-FROMHOLD	:	
CORRECTIONAL FACILITY, <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

CERTIFICATE OF SERVICE

I, Jonah Santiago-Pagán, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the plaintiff's attorney on the date indicated below via email:

TO: Gary Schafkopf, Esquire
SCHAFKOPF LAW, LLC
11 Bala Avenue
Bala Cynwyd, PA 19004
gary@schaflaw.com

/s/ Jonah Santiago-Pagán
Jonah Santiago-Pagán, Esq.
Assistant City Solicitor
Pa. Attorney ID No. 326442

Date: February 28, 2023

Exhibit “A”

Court of Common Pleas of Philadelphia County

Trial Division

Civil Cover Sheet

		For Prothonotary Use Only (Docket Number)		
		JANUARY 2023		
		E-Filing Number: 2301006150		
PLAINTIFF'S NAME MAURICE TAYLOR		DEFENDANT'S NAME CITY OF PHILADELPHIA, ALIAS: CURRAN-FROMHOLD CORRECTIONAL FACILITY		
PLAINTIFF'S ADDRESS 545 HAMPTON RD UPPER DARBY PA 19082		DEFENDANT'S ADDRESS 7901 STATE RD PHILADELPHIA PA 19136		
PLAINTIFF'S NAME		DEFENDANT'S NAME BLANCHE CARNEY		
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 7901 STATE RD PHILADELPHIA PA 19136		
PLAINTIFF'S NAME		DEFENDANT'S NAME MICHELLE FARRELL		
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 7901 STATE RD PHILADELPHIA PA 19136		
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 8	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions		
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other:	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition	<input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival
CASE TYPE AND CODE Z2 - MISC SUMMONS				
STATUTORY BASIS FOR CAUSE OF ACTION				
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) FILED PRO PROTYPY JAN 04 2023 C. PERRY			IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MAURICE TAYLOR</u> Papers may be served at the address set forth below.				
NAME OF PLAINTIFF/S/PETITIONER/S/APPELLANT'S ATTORNEY GARY SCHAFKOPF		ADDRESS SCHAFKOPF LAW LLC 11 BALA AVENUE BALA CYNWYD PA 19004		
PHONE NUMBER (610) 664-5200	FAX NUMBER (888) 283-1334			
SUPREME COURT IDENTIFICATION NO. 83362		E-MAIL ADDRESS gary@schaflaw.com		
SIGNATURE OF FILING ATTORNEY OR PARTY GARY SCHAFKOPF		DATE SUBMITTED Wednesday, January 04, 2023, 02:42 pm		

WEISBERG LAW
 David A. Berlin, Esquire
 PA Attorney Id. No. 314400
 Matthew B. Weisberg, Attorney ID No. 85570
 7 South Morton Ave.
 Morton, PA 19070
 610-690-0801
 Fax: 610-690-0880

SCHAFKOPF LAW LLC
*Filled and Attested by the
 Gary Schafkopf, Attorney ID No. 33362
 Office of Judicial Records
 04 JAN 2023 02:42 pm
 C. PERRY*
 11 Bala Ave
 Bala Cynwyd, PA 19004
 610-664-5200 Ext 104
 Fax: 888-283-1334

Attorneys for Plaintiff

MAURICE TAYLOR : PHILADELPHIA COUNTY COURT OF

545 Hampton Road : COMMON PLEAS
 Upper Darby, Pennsylvania 19082

Plaintiff, :

v. :

CITY OF PHILADELPHIA d/b/a : JURY TRIAL OF TWELVE (12) JURORS
CURRAN-FROMHOLD

CORRECTIONAL
FACILITY,
 7901 State Rd.
 Philadelphia, PA 19136

DEMANDED

and

BLANCHE CARNEY

Individually and in her official capacity
 as Commissioner
 Curran-Fromhold Correctional Facility
 7901 State Rd.
 Philadelphia, PA 19136

and

MICHELE FARRELL

Individually and in her official capacity
 as Warden
 Curran-Fromhold Correctional Facility
 7901 State Rd.
 Philadelphia, PA 19136

and

TERRENCE CLARK

Individually and in his official capacity
 as Deputy Commissioner

Curran-Fromhold Correctional Facility :
7901 State Rd. :
Philadelphia, PA 19136 :

and :

EDWIN CRUZ :

Individually and in his official capacity :
as Deputy Warden CFCF Operations :
Curran-Fromhold Correctional Facility :
7901 State Rd. :
Philadelphia, PA 19136 :

and :

ROBERT ROSE :

Individually and in his official capacity :
as Deputy Warden CFCF Operations :
Curran-Fromhold Correctional Facility :
7901 State Rd. :
Philadelphia, PA 19136 :

and :

CORRECTIONAL OFFICER :

(Caucasian, short, glasses) :

Individually and in his official capacity :
as Corrections Officer :
Curran-Fromhold Correctional Facility :
7901 State Rd. :
Philadelphia, PA 19136 :

and :

CORRECTIONAL OFFICER :

**(African American, tall, glasses, black
hair)** :

Individually and in his official capacity :
as Corrections Officer :
Curran-Fromhold Correctional Facility :
7901 State Rd. :
Philadelphia, PA 19136 :

Defendants. :

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons against the above-named Defendants in the above-captioned matter.

Respectfully Submitted,

WEISBERG LAW

/s/ David Berlin

David Berlin, Esquire

Matthew B. Weisberg, Esquire

SCHAFKOPF LAW

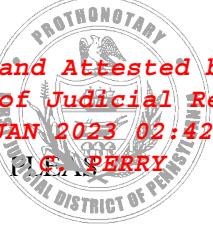
/s/ Gary Schafkopf

Gary Schafkopf, Esquire

Attorneys for Plaintiff

DATED: January 4, 2023

Commonwealth of Pennsylvania
COUNTY OF PHILADELPHIA

**Filed and Attested by the
Office of Judicial Records
04 JAN 2023 02:42 pm**


Plaintiff

vs.

: COURT OF COMMON PLEAS PERRY
 : _____
 : Term, 20_____
 :
 : No. _____
 :
 :

Defendant

To¹

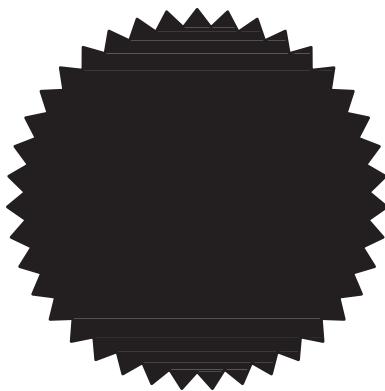
Writ of Summons

You are notified that the Plaintiff²

Usted esta avisado que el demandante

Has (have) commenced an action against you.

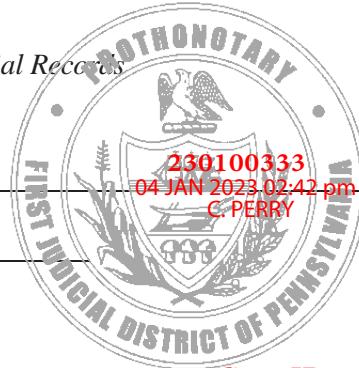
Ha (han) iniciado una accion en contra suya.



ERIC FEDER
Director, Office of Judicial Records

By: _____

Date: _____



Court of Common Pleas

_____ Term, 20 _____

No. _____

Plaintiff

vs.

Defendant

SUMMONS

WEISBERG LAW

David A. Berlin, Esquire
PA Attorney Id. No. 314400
Matthew B. Weisberg, Attorney ID No. 85570
7 South Morton Ave.
Morton, PA 19070
610-690-0801
Fax: 610-690-0880

SCHAFKOPF LAW LLC

*Filed and Attested by the
Office of Judicial Records*
Gary Schafkopf, Attorney ID No. 23362
11 Bala Ave **18 JAN 2023 03:03 pm**
Bala Cynwyd, PA 19004 **B MERCEDES**
610-664-5200 Ext 104
Fax: 888-283-1334



Attorneys for Plaintiff

MAURICE TAYLOR

Plaintiff,

vs.

CITY OF PHILADELPHIA, et al

Defendants

:

: PHILADELPHIA COUNTY

: COURT OF COMMON PLEAS

:

: No. 230100333

:

:

:

PRAECLPICE TO REISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly reissue a writ of summons in the above-captioned matter against Defendants.

Respectfully Submitted,

WEISBERG LAW

SCHAFKOPF LAW, LLC

BY: /s/ David Berlin

DAVID A. BERLIN, ESQ.
MATTHEW B. WEISBERG, ESQ.

DATED: 1-18-23

BY: /s/ Gary Schafkopf

GARY SCHAFKOPF, ESQ.

DATED: 1-18-23

WEISBERG LAW

David A. Berlin, Esquire
PA Attorney Id. No. 314400
Matthew B. Weisberg, Attorney ID No. 85570
7 South Morton Ave.
Morton, PA 19070
610-690-0801
Fax: 610-690-0880

SCHAFKOPF LAW LLC

Gary Schafkopf, Attorney ID No. 83362
11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-283-1334

Attorneys for Plaintiff

MAURICE TAYLOR

Plaintiff,

vs.

CITY OF PHILADELPHIA, et al

Defendants

:
: PHILADELPHIA COUNTY
: COURT OF COMMON PLEAS
:
:
: No. 230100333
:
:
:

CERTIFICATE OF SERVICE

I, Gary Schafkopf, Esquire, hereby certify that on this 18th day of January 2023, a true and correct copy of the foregoing Praeclipe to Reissue Writ of Summons was served upon all parties of record.

Respectfully Submitted,

WEISBERG LAW

SCHAFKOPF LAW, LLC

BY: /s/ David Berlin
DAVID A. BERLIN, ESQ.
MATTHEW B. WEISBERG, ESQ.

DATED: 1-18-23

BY: /s/Gary Schafkopf
GARY SCHAFKOPF, ESQ.

DATED: 1-18-23

Commonwealth of Pennsylvania
COUNTY OF PHILADELPHIA

Filed and Attested by the
Office of Judicial Records
08 JAN 2023 03:03 pm
B. MERCEDES



Plaintiff

: COURT OF COMMON PLEAS
 : _____
 : Term, 20_____
 :
 : No. _____
 :
 :

vs.

Defendant

To¹

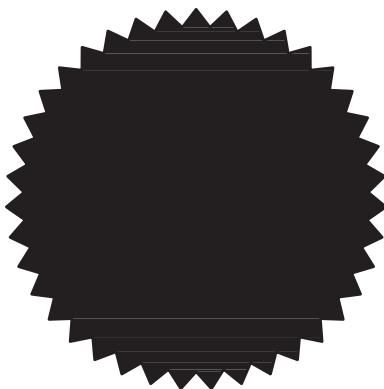
Writ of Summons

You are notified that the Plaintiff²

Usted esta avisado que el demandante

Has (have) commenced an action against you.

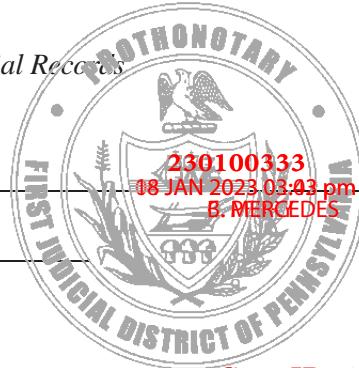
Ha (han) iniciado una accion en contra suya.



ERIC FEDER
Director, Office of Judicial Records

By: _____

Date: _____



Case ID: 230100333

Court of Common Pleas

_____ Term, 20 _____

No. _____

Plaintiff

vs.

Defendant

SUMMONS

Exhibit “B”

WEISBERG LAW
 David A. Berlin, Esquire
 PA Attorney Id. No. 314400
 Matthew B. Weisberg, Attorney ID No. 85570
 7 South Morton Ave.
 Morton, PA 19070
 610-690-0801
 Fax: 610-690-0880

SCHAFKOPF LAW LLC
~~Filed and Attested by the
 Gary Schafkopf, Attorney ID No. 23362
 Office of Judicial Records~~
 11 Bala Ave
 Bala Cynwyd, PA 19004
 610-664-5200 Ext 104
 Fax: 888-283-1334



Attorneys for Plaintiff

MAURICE TAYLOR
 545 Hampton Road
 Upper Darby, Pennsylvania 19082

Plaintiff, :

v. :

CITY OF PHILADELPHIA d/b/a
CURRAN-FROMHOLD
CORRECTIONAL FACILITY
 7901 State Rd.
 Philadelphia, PA 19136

and :

BLANCHE CARNEY
 Individually and in her official capacity as :
 Commissioner :
 Curran-Fromhold Correctional Facility :
 7901 State Rd. :
 Philadelphia, PA 19136 :

and :

PIERRE LACOMBE
 Individually and in her official capacity as :
 Warden :
 Curran-Fromhold Correctional Facility :
 7901 State Rd. :
 Philadelphia, PA 19136 :

and :

TERRENCE CLARK
 Individually and in his official capacity as :
 Deputy Commissioner :

Curran-Fromhold Correctional Facility	:
7901 State Rd.	:
Philadelphia, PA 19136	:
 and	
 :	
KAREN BUTLER	
Individually and in her official capacity as	:
Deputy Warden CFCF Operations	:
Curran-Fromhold Correctional Facility	:
7901 State Rd.	:
Philadelphia, PA 19136	:
 and	
 :	
ROBERT ROSE	
Individually and in his official capacity as	:
Deputy Warden CFCF Operations	:
Curran-Fromhold Correctional Facility	:
7901 State Rd.	:
Philadelphia, PA 19136	:
 Defendants.	
 :	

NOTICE TO DEFEND

NOTICE	AVISO
<p>You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p>	<p>Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.</p>

<p>YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.</p> <p>IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.</p> <p style="text-align: center;">Philadelphia County Bar Association 1101 Market St #11, Philadelphia, PA 19107 (215) 238-6300</p>	<p>USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO.</p> <p>SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.</p> <p style="text-align: center;">Philadelphia County Bar Association 1101 Market St #11, Philadelphia, PA 19107 (215) 238-6300</p>
---	---

WEISBERG LAW
David A. Berlin, Esquire
PA Attorney Id. No. 314400
Matthew B. Weisberg, Attorney ID No. 85570
7 South Morton Ave.
Morton, PA 19070
610-690-0801
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SCHAFKOPF LAW LLC
Gary Schafkopf, Attorney ID No. 83362
11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-283-1334

Attorneys for Plaintiff

MAURICE TAYLOR
545 Hampton Road
Upper Darby, Pennsylvania 19082

Plaintiff,
v.

CITY OF PHILADELPHIA d/b/a
CURRAN-FROMHOLD
CORRECTIONAL FACILITY
7901 State Rd.
Philadelphia, PA 19136

and

BLANCHE CARNEY
Individually and in her official capacity as
Commissioner
Curran-Fromhold Correctional Facility
7901 State Rd.
Philadelphia, PA 19136

and

PIERRE LACOMBE
Individually and in her official capacity as
Warden
Curran-Fromhold Correctional Facility
7901 State Rd.
Philadelphia, PA 19136

and

TERRENCE CLARK
Individually and in his official capacity as
Deputy Commissioner
Curran-Fromhold Correctional Facility

7901 State Rd.	:
Philadelphia, PA 19136	:
	:
and	:
	:
KAREN BUTLER	:
Individually and in her official capacity as	:
Deputy Warden	:
Curran-Fromhold Correctional Facility	:
7901 State Rd.	:
Philadelphia, PA 19136	:
	:
and	:
	:
ROBERT ROSE	:
Individually and in his official capacity as	:
Deputy Warden	:
Curran-Fromhold Correctional Facility	:
7901 State Rd.	:
Philadelphia, PA 19136	:
	:
Defendants.	:

CIVIL ACTION COMPLAINT

1. Plaintiff, Maurice Taylor, is an adult male, currently residing at the above referenced address.
At all times material, Plaintiff was incarcerated at City of Philadelphia d/b/a Curran-Fromhold Correctional Facility.
2. Defendant, City of Philadelphia d/b/a Curran-Fromhold Correctional Facility (“CFCF”), is a prison that, at all times material herein, acted in its official capacity.
3. Defendant, Blanche Carney (“Carney”), is an adult individual who, at all times material herein, acted individually and in his official capacity as Commissioner at CFCF.
4. Defendant, Pierre Lacombe (“Lacombe”), is an adult individual who, at all times material herein, acted individually and in her official capacity as Warden at CFCF.
5. Defendant, Terrence Clark (“Clark”), is an adult individual who, at all times material herein, acted individually and in his official capacity as Deputy Commissioner at CFCF.

6. Defendant, Karen Butler (“Butler”), is an adult individual who, at all times material herein, acted individually and in his official capacity as Deputy Warden at CFCF.
7. Defendant, Robert Rose (“Rose”), is an adult individual who, at all times material herein, acted individually and in his official capacity as Deputy Warden at CFCF.
8. Upon information and belief, jurisdiction is proper in this venue because Defendants are believed to have carried on regular, continuous, and substantial business in Philadelphia County.

OPERATIVE FACTS

9. The above paragraphs are incorporated herein by reference.
10. On or about May 2021, Plaintiff was arrested and brought to CFCF.
11. Plaintiff was incarcerated in CFCF from in or around May through July 2021.
12. For approximately one month of his incarceration, from in or around May until June 2020, without reason, Plaintiff was subjected to barbaric and inhumane treatment. This treatment included but is not limited to:
 - a. Not being allowed to leave his cell.
 - b. Not given single shower.
 - c. Not given a toothbrush.
 - d. Not being allowed to change his sheets.
 - e. Not being allowed to remove the trash from his cell, and properly clean his cell, causing the cell to become insanitary.
 - f. Not being able to exchange his jumper for a clean one.
 - g. Not being allowed to receive or make any phone calls.
13. While Plaintiff asked numerous times for a shower, toothbrush, trash removal, clean sheets

and a clean jump suit, his requests were denied.

14. Plaintiff was eventually moved to an intake floor to be transferred to another facility.

Plaintiff was never transferred and instead was forced to sleep on the concrete floor for two (2) days straight.

15. This intake floor consisted of approximately nine (9) other inmates who slept next to Plaintiff.

16. Plaintiff sustained serious personal injuries to his back as a result of sleeping on a concrete floor.

17. Upon information and belief, all Defendants knew or should have known about the deplorable treatment of Plaintiff and should have done something about it.

18. Specifically, Defendants did not take the proper precautions to make sure that inmates were being treated properly. Upon information and belief, it was common for inmates not to be provided necessities. Upon information and belief, Defendants, Blanche Carney (Commissioner), Pierre LaCombe (Warden), Terrence Clark (Deputy Commissioner), Karen Butler (Deputy Warden), and Robert Rose (Deputy Warden), are the decision makers regarding the aforesaid custom, policy, and/or practice.

19. Plaintiff has suffered and continues to suffer severe physical and emotional distress as a result of Defendants' conduct.

20. Upon information and belief, Defendants, knew or should have known about the condition of the holding cell and should have provided a proper cell to Plaintiff.

COUNT I
**VIOLATION-FAILURE TO PROTECT/FAILURE TO KEEP SAFE/FAILURE TO
PROVIDE MEDICAL CARE/ CRUEL AND UNUSUAL PUNISHMENT**
VIOLATIONS OF 4th, 8th, and 14th AMENDMENTS
Plaintiff v. All Defendants

21. The above paragraphs are incorporated herein by reference.
 22. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
 23. Defendants failed to protect and provide the appropriate living conditions to Plaintiff.
 24. Defendants failed to protect and provide the appropriate necessities to Plaintiff.
 25. Defendants showed deliberate indifference to Plaintiff's living condition.
 26. Defendants' actions stated above, inter alia, were violations of Plaintiff's clearly established and well settled Constitutional and other legal rights.
 27. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.
- WHEREFORE, Plaintiff demands judgment in their favor and against Defendant, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT II
Negligence
Plaintiff v. All Defendants

28. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
29. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:
 - a. Failing to properly provide a safe environment for all inmates;
 - b. Failing to protect the well-being of inmates;
 - c. Failing to provide basic necessities;

- d. Other conduct that deviated from the applicable standard of care.
30. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT III
MONELL
Plaintiff v. All Defendants

31. The above paragraphs are hereby incorporated herein by reference.
32. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the Constitutional rights of Plaintiffs, which caused violation of Plaintiffs constitutional and other rights.
33. Specifically, Defendants had a policy of not taking the proper precautions to keep inmates safe, from corrections officers.
34. Plaintiff suffered harm due to the Defendants' conduct.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

Respectfully Submitted,

WEISBERG LAW

/s/ David Berlin

David Berlin, Esquire

Matthew B. Weisberg, Esquire

SCHAFKOPF LAW

/s/ Gary Schafkopf

Gary Schafkopf, Esquire

Attorneys for Plaintiff

DATED: January 26, 2023

VERIFICATION

I, David Berlin Esquire, hereby verifies that I am counsel for Plaintiff, **Maurice Taylor**, and herein states that the statements in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I am making this verification on behalf of Plaintiff, **Maurice Taylor**, I acknowledge that the foregoing Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ David Berlin
DAVID BERLIN, ESQUIRE

Dated: 1-26-23

WEISBERG LAW
David A. Berlin, Esquire

SCHAFKOPF LAW LLC
Gary Schafkopf, Attorney ID No. 83362

PA Attorney Id. No. 314400
Matthew B. Weisberg, Attorney ID No. 85570
7 South Morton Ave.
Morton, PA 19070
610-690-0801
Fax: 610-690-0880

11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-283-1334

Attorneys for Plaintiff

MAURICE TAYLOR

Plaintiff,

v.

**CITY OF PHILADELPHIA d/b/a
CURRAN-FROMHOLD
CORRECTIONAL FACILITY, et. al.**

Defendants.

: PHILADELPHIA COUNTY COURT
: OF COMMON PLEAS
:
:
:
: No. 230100333
:
:
: **Jury of Twelve (12) Jurors**
: **Demanded**
:
:
:
:

CERTIFICATE OF SERVICE

I, David Berlin, Esquire, hereby certify that on this 25th day of January 2023, a true and correct copy of the foregoing Civil Action Complaint was served upon all parties of record via e-filing.

Respectfully Submitted,

WEISBERG LAW
/s/ David Berlin
David Berlin, Esquire
Matthew B. Weisberg, Esquire

SCHAFKOPF LAW
/s/ Gary Schafkopf
Gary Schafkopf, Esquire
Attorneys for Plaintiff

DATED: January 26, 2023

Exhibit “C”

CITY OF PHILADELPHIA LAW DEPARTMENT
JONAH SANTIAGO-PAGÁN, ESQUIRE
ASSISTANT CITY SOLICITOR
IDENTIFICATION NO. 326442
1515 ARCH STREET, 14TH FLOOR
PHILADELPHIA, PA 19102-1595
TEL (215) 683-5428 AND FAX (215) 683-5397
jonah.santiago-pagan@phila.gov

ATTORNEY FOR DEFENDANTS

MAURICE TAYLOR,	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
	:	JANUARY TERM 2023
v.	:	No. 230100333
	:	
CITY OF PHILADELPHIA d/b/a	:	
CURRAN-FROMHOLD	:	
CORRECTIONAL FACILITY, <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

NOTICE OF FILING OF NOTICE OF REMOVAL

To the Office of Judicial Records:

Pursuant to 28 U.S.C. § 1446(d), Defendants, City of Philadelphia, Blanche Carney, Pierre Lacombe, Terrence Clark, Karen Butler, and Robert Rose, by and through the undersigned counsel, hereby give notice that they have filed in the United States District Court for the Eastern District of Pennsylvania the attached Notice of Removal (without exhibits) of the above-captioned action.

Pursuant to 28 U.S.C. § 1446, the filing of this Notice effects the removal of this action to the federal court, and this Court is directed to “proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d).

Respectfully submitted,

Date: February 28, 2023

/s/ Jonah Santiago-Pagán
Jonah Santiago-Pagán, Esq.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Maurice Taylor

(b) County of Residence of First Listed Plaintiff Delaware County
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Gary Schafkopf, Esq. SCHAFKOPF LAW, LLC
11 Bala Avenue, Bala Cynwyd, PA 19004**DEFENDANTS**

City of Philadelphia d/b/a Curran-Fromhold Correctional Facility, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jonah Santiago-Pagán, Esq. City of Philadelphia Law Dep't
1515 Arch St, 14th FL, Philadelphia, PA 19102
215-683-5428**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 386 Product Liability		<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRIISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION	FEDERAL TAX SUITS			
	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983**VI. CAUSE OF ACTION**Brief description of cause:
Alleged violation of constitutional rights**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

02/28/2023

/s/ Jonah Santiago-Pagán

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ **Must sign here** _____ Attorney-at-Law / Pro Se Plaintiff _____ Attorney I.D. # (if applicable) _____

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE: _____

Jonah Santiago-Pagán
Sign Here
Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAURICE TAYLOR,

Civil Action

v.

**CITY OF PHILADELPHIA d/b/a
CURRAN-FROMHOLD
CORRECTIONAL FACILITY, et al.**

No.

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241through § 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

February 28, 2023
Date

Jonah Santiago-Pagán, Esq.
Attorney-at-law

City of Philadelphia, Blanche Carney,
Pierre Lacombe, Terrence Clark, Karen Butler, and
Robert Rose

Attorney for Defendants

(215) 683-5428

(215) 683-5397

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Telephone

FAX Number

E-mail Address